

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING  
2829 UNIVERSITY AVE. SE  
MINNEAPOLIS, MN 55414-3246**

**August 6, 2011**

The Minnesota Board of Medical Practice met on August 6, 2011, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Bradley Johnson, M.D., Vice President; Alfred Anderson, D.C., M.D.; Keith Berge, M.D.; Debbie Boe; Mark Eggen, M.D.; Kelli Johnson, MBA; Gerald Kaplan, MA, LP; Gregory Snyder, M.D., Jon Thomas, M.D., MBA; Tracy Tomac, M.D., and Joseph Willett, D.O.

**PUBLIC SESSION**

Bradley Johnson, MD, Vice President, Chaired the meeting due to the absence of Drs. Lampe and Langland.

Dr. Johnson presented Gregory Snyder, MD, DABR with a paperweight from the Federation of State Medical Boards (FSMB) in recognition of his two years of service on the FSMB Nominating Committee.

Dr. Johnson stated that a quorum of the board was present.

The minutes of the May 14, 2011, Board meeting were received and approved as circulated.

On recommendation of the Licensure Committee, physician applicants 1 – 311 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 312 of the agenda was approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 313 - 319 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainers Advisory Council, athletic trainer applicants 320 – 329 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 330 - 385 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 386 - 420 of the agenda were approved for licensure subject to the receipt of verification documents; applicant 421 of the hand-out is subject to approval in Executive Session.

Jon Thomas, M.D., MBA, Licensure Committee member presented the minutes of the June 16, 2011, Licensure Committee meeting. Dr. Johnson commented on items 5 and 8:

5. The applicant had a suspended license in Florida and did not accept Florida's terms of reinstatement at the time the Licensure Committee met. The Committee decided to deny licensure with the option to withdraw his application.
8. The applicant has not practiced since July of 2007. The Committee decided to require a re-entry evaluation.

The minutes and actions of the June 16, 2011, meeting of the Licensure Committee were received and approved as circulated.

Tracy Tomac, M.D., Chair of the Policy and Planning Committee gave a summary of the June 10, 2011, Policy and Planning Committee meeting.

1. Proposed changes to the Athletic Trainer Act. This item is for board member review and information.
2. The Office of Rural Health and Primary Care (ORHPC) Workforce Survey.  
The Committee requested that a board member be appointed to work with the Office of Workforce Analysis and Rural Health Planning, the Federation of State Medical Boards (FSMB), the Minnesota Medical Association (MMA), and the National Center for Workforce Development to develop specific suggestions for ordering and placement of the survey in the board's renewal process in addition to introductory language and information, and to coordinate the development of a new question set.

Dr. Eggen is currently serving on the FSMB Committee to develop a list of survey questions that can be utilized by all of the member boards. A motion was made and passed unanimously to appoint Dr. Eggen to this Committee.

3. Website Development. The Committee recommends that an ad hoc Website Development Committee be formed to work with IT staff and the board to develop some simple and inexpensive changes to the board's website.

Mr. Leach stated that legislation passed this year transferring all of the health licensing board's IT staff to the Office of Enterprise Technology (OET). Mr. Leach is uncertain what the new structure will be and all IT projects must be reviewed and approved by the OET. Mr. Leach requested that the website development discussion be deferred until he has more information on OET protocol. Mr. Leach stated that the Chief Operating Officer of the OET, Carolyn Parnell is scheduled to meet again with the Executive Director Forum in September and will update the board at the September 10, 2011, board meeting.

The minutes and actions of the June 10, 2011, meeting of the Policy and Planning Committee were received and approved as circulated.

Mr. Leach present the next agenda item, the proposed Board Member Code of Conduct. Mr. Leach stated that while attending the New Board Member Orientation at the FSMB Annual meeting this year, North Carolina presented their Board Member Code of Conduct, which is included in the board agenda. Mr. Leach felt it was a good idea to have a signed Code of Conduct from board members to assure the public and the Governor's office that board members are apprised of their duties and responsibilities and have parameters to operate within.

After board discussion, board members agreed to the following modifications to the Board Member Code of Conduct:

- Delete item number 12, "Unless recused, refrain from communicating with any member of the Attorney General's Office regarding any matter in which the board is engaged."

- To item number 6, add “show respect to licensees” to the provision: “Ensure the rights to due process and protect the integrity of individuals and agencies who appear before the board.”
- Add clarification to number 11, by inserting “prior to board order approval” to the provision: “Refrain from advising and/or conferring with those licensees and/or their legal counsel who have been issued or may be issued charges by the board.”

\* Will be addressed at the September 10, 2011, board meeting.

A motion was made and passed unanimously to approve the recommended modifications of the Board Member Code of Conduct.

To comply with number 2, “Read and re-read the laws, rules and policies under which the board operates,” board members requested that the New Board Member Orientation materials be redistributed to them.

To understand the Open Meeting Laws referred to in number 13, “Ensure that whenever a majority of any board committee or of the board meets to discuss board business, that the meeting complies with the Open Meetings Law,” the Office of the Attorney General will provide an educational component on the Open Meeting Law at the September 10, 2011, board meeting.

Mr. Leach updated the board on the Wisconsin License Portability Project. At the June 21, 2011, meeting a Declaration of Cooperation and a Common Expedited Endorsement Eligibility Requirement document were distributed.

Mr. Leach went over the Common Expedited Endorsement Eligibility requirements and stated that the only problematic requirement for Minnesota is the required criminal background check. Mr. Leach felt the board’s chances of getting legislation passed to allow the board to perform criminal background checks are very low. This past legislative session, the Board of Nursing attempted to implement criminal background checks and the legislation was terminated in Committee. Gerald Kaplan, MA, LP, would like to sometime revisit the issue of criminal background checks. He is also willing to go to the legislature to testify in favor of allowing the board to perform background checks.

Mr. Leach noted that Wisconsin and Minnesota have requirements that none of the other participating States have. Minnesota requires all physician licensure applicants to appear at the board office for an in-person interview and Wisconsin requires their physician licensure applicants to take an open-book exam at the Wisconsin Board office. Both are incorporated into the Common Expedited Endorsement Eligibility requirements as State Specific Requirements.

Karolyn Stirewalt, JD, Attorney for the MMA understood that licensees can go through the interview process electronically through Skype. Mr. Leach stated that exceptions are made when the in-person interview is especially oppressive for the applicant.

Mr. Leach asked board members to approve the Declaration of Cooperation. The original board agenda item was for information only, but Mr. Leach recently received an e-mail from Chad Zadrazil, Project Coordinator for the Wisconsin License Portability Project asking for approval of the board. If the board approves it, it is non-binding and the board can decide to withdraw at any time.

Motion was made and passed unanimously for approval of the proposed Declaration of Cooperation.

In Richard Auld's, (Assistant Executive Director), absence, Mr. Leach presented the legislative update agenda item. Mr. Leach stated that legislation was passed this session which sunsets all state agencies. The Health Licensing Boards are in the first group of State agencies to be reviewed. Between now and January, 2012, a report is to be drafted to the legislature justifying the board's existence. The Health Licensing Boards have created a subcommittee to draft a report that has the same form and substance that can be used by all of the health licensing boards to insert their individual board information. Mr. Leach is chairing this subcommittee. The subcommittee is using the Texas Medical Board's report as a model since they have recently been through this process.

Dr. Thomas informed the board about a Federal Trade Commission (FTC) ruling that is worrisome because it may set a precedent for the FTC to determine what is or isn't medical practice. The North Carolina Dental Board sent an order to cease and desist to teeth whitening establishments because they felt they were practicing dentistry. The teeth whitening establishments appealed to the FTC. The North Carolina Dental Board argued that the teeth whitening businesses were risking patient safety. The FTC and teeth whitening establishments won. Currently the FSMB is trying to gather different parties to confront this issue. Dr. Thomas will keep the board informed as new information is available.

Dr. Johnson asked board members for their input regarding using the iPad to access board materials. Board members felt it was getting better particularly since the Complaint Review Committee materials have been combined into one file which isn't as cumbersome or time consuming as downloading files individually. Board members requested that the board agenda materials also be combined into one file. Some board members were struggling with the organization and retrieval of files. Mr. Leach distributed guidelines for creating and moving files that were created by Mark Chu, Database Administrator. Some board members did not know how to create notes in PDF Expert; and other board members shared a brief overview on how to create notes. Board members requested a tutorial by board IT staff. Mr. Leach asked board members to submit their questions they'd like addressed to Mr. Chu for a tutorial at a future board meeting. Mr. Leach encouraged board members to call Dave Anderson, Network Administrator or Mr. Chu if they need any assistance with their iPad.

Mr. Leach informed the board of an Agreement for Corrective Action that was implemented since the last board meeting.

End of public session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Ernest Lampe, II, M.D., President; Bradley Johnson, M.D., Vice President; Alfred Anderson, D.C., M.D.; Keith Berge, M.D.; Debbie Boe; Mark Eggen, M.D.; Kelli Johnson, MBA; Gerald Kaplan, MA, LP; Gregory Snyder, M.D., Jon Thomas, M.D., MBA; Tracy Tomac, M.D., and Joseph Willett, D.O.

### **ERIK J. LINCK, MD**

On recommendation of the Complaint Review Committee, the License of Dr. Linck was reinstated.

### **DR. ROBERTO R. PAGARIGAN**

On recommendation of the Complaint Review Committee, the Amended Stipulation and Order for conditioned license signed by Dr. Pagarigan was approved.

### **MOHAMED ABDULLA SAEED, RT**

On recommendation of the Licensure Committee, the Stipulation and Order for conditioned license and reprimand signed by Dr. Saeed was approved.

### **TODD A. SMITH, MD**

On recommendation of the Complaint Review Committee, the Amended Stipulation and Order for conditioned license signed by Dr. Smith was approved.

### **GENE VELASCO, MD**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Velasco was approved.

### **JAMES P. WASEMILLER, MD**

On recommendation of the Complaint Review Committee, the Stipulation and Order for stayed suspension, reprimand, and restricted license signed by Dr. Wasemiller was approved.

There being no further business, the meeting was adjourned.



Kelli Johnson, MBA  
Secretary  
MN Board of Medical Practice

August 30, 2011  
Date